



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

General

160 Means of disclosure

- (1) This section applies where by virtue of this Part the prosecutor is required to disclose information to an accused.
- (2) The prosecutor may disclose the information by any means.
- (3) In particular, the prosecutor may disclose the information by enabling the accused to inspect it at a reasonable time and in a reasonable place.
- (4) Subsection (5) applies if the information is contained in—
 - (a) a precognition,
 - (b) a victim statement,
 - (c) a statement given by a person whom the prosecutor does not intend to call to give evidence in the proceedings, or
 - (d) where the proceedings relating to the accused are summary proceedings, a statement given by a person whom the prosecutor intends to call to give evidence in the proceedings.
- (5) In complying with the requirement, the prosecutor need not disclose the precognition or, as the case may be, statement.
- (6) Subsection (7) applies where the proceedings relating to the accused are solemn proceedings and—
 - (a) the information is contained in a statement given by a person whom the prosecutor intends to call to give evidence in the proceedings, or

Status: This is the original version (as it was originally enacted).

- (b) the information is contained in a statement and the prosecutor intends to apply under section 259 of the 1995 Act to have evidence of the statement admitted in the proceedings.
- (7) In complying with the requirement, the prosecutor must disclose a copy of the statement (but subsections (2) and (3) continue to apply).
- (8) This section is subject to any provision made by an order under section 145(7), 146(11), 155(6) or 156(6).
- (9) In this section—
 - “accused” includes appellant or, in any case relating to section 136(2), 137(2) or 138(2), other person to whom the section concerned applies,
 - “appellant” has the meaning given by section 132.